

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

BARRY HARRIS,

Plaintiff,

v.

TASHEENA COOKE, et al.,

Defendants.

Case No. 3:22-cv-00019-ART-CSD

ORDER APPOINTING COUNSEL

Pro se Plaintiff Barry Harris brings this action under 42 U.S.C. § 1983. Mr. Harris filed a motion for appointment of counsel, which the Court granted, finding exceptional circumstances. (ECF Nos. 61.) Mr. Harris's case was referred to the Court's Pro Bono Program. (ECF No. 63.) However, the Pro Bono program was unable to find counsel for Mr. Harris. (ECF No. 81.)

Plaintiff is currently represented by the Federal Public Defender's Office ("FPD") in a separate suit for habeas corpus relief, Case No. 3:20-cv-00695-MMD-WGC. The Court ordered Federal Public Defender ("FPD") to confirm with (1) whether Mr. Harris's case is ancillary, and (2) whether the FPD is willing to be appointed as counsel in this matter. (ECF Nos. 85; 87.)

The FPD filed two notices of acceptance of appointment (ECF Nos. 88; 89.) In each notice, the FPD accepts appointment and states that "representation is appropriate because it is reasonably necessary to protect a constitutional right, will contribute to the litigation of the habeas case, and will aid counsel in the preparation of that case." (*Id.*) (citing 18 U.S.C. § 3006A(c) and Guide to Judiciary Policy, Vol. 7A § 210.20.30(c)(1)-(3)). Upon evaluation of the circumstances of this case, the Court finds that it is an ancillary matter

1 sufficiently related to Plaintiff's habeas case, and it is appropriate to appoint the
2 FPD to represent Plaintiff in this matter.

3 For these reasons, the Court APPOINTS the Federal Public Defender to
4 represent Plaintiff in this matter. The Court INSTRUCTS the Clerk's Office to
5 add the Federal Public Defender's Office to the service list in this matter, and
6 further, to separately serve this order on the Federal Public Defender's Office so
7 representation may begin immediately.

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9 Dated this 20th day of March, 2025.

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13 ANNE R. TRAUM
14 UNITED STATES DISTRICT JUDGE
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